IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA

ANDREW O'SHEA, individually and on behalf of all those similarly situated,	)	
	)	**CIVIL ACTION NUMBER**
Plaintiffs,	)	**4:16-CV-00015**
v.	)	**JURY TRIAL DEMANDED**
Marisol Martinez, James Harding, and Ruben Hernandez	)	
Defendants.	)	

PLAINTIFF'S SUR-REPLY IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS THE AMENDED COMPLAINT

Plaintiff Andrew O'Shea ("Plaintiff" or "O'Shea"), by undersigned counsel, submits his sur-reply in opposition to Defendants' Motion to Dismiss the Amended Complaint.

On page 12 of the Defendants' Reply Brief (Doc. 29), they argue: "One would have to suspend common sense to conclude that nearly 58% of these drop outs [in the relevant labor market] also have criminal records."[1] The Defendants' argument that 58% is not a plausible estimate is wrong. Using data from the 2013 Survey of the National Longitudinal Survey of Youth ("NLSY", a program of the U.S. Bureau of Labor Statistics, 1997 Cohort), Plaintiff found that 64% of high school drop-outs reported being arrested in their lifetime (the average age of the NLSY sample in 2013 was 31).[2] Plaintiff's estimate of 58% is therefore well within what common sense would dictate.

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[1] *See also* Defendants' Reply at footnote 12, stating: "10,327/17,840=58%." Defendants are referencing paragraph 17 of the Amended Complaint, which alleges that there are 10,327 "drop-out-plus-one" workers in the relevant labor market.

[2] The data can be accessed at https://www.nlsinfo.org/content/cohorts/nlsy97 and https://www.nlsinfo.org/investigator/pages/search.jsp?s=NLSY97.

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